

REMARKS

Applicant has amended independent claim 25 as suggested by the examiner in the Office Action and for the reasons discussed below believes that claim 25 as amended overcomes the rejection of that claim and claims 4 and 6 dependent on that as anticipated. Applicant submits that the amendment to claim 25 does not introduce new matter as the applicant as filed states at various places such as lines 14 to 19 on page 1 that it is the medium controlled by the valve and is outside of the control volume that leaks through one of the valve-rod seals into the control volume.

The examiner has rejected claims 4, 6 and 25 under 35 U.S.C. 102(b) as anticipated by previously cited U.S Patent No. 4,916,938 (Aikin). The examiner says if the applicant desires to claim that the fluid leaking into the control volume leaks from outside the control volume through a valve-rod seal then that limitation should be positively recited in the claim. Applicant has so amended independent claim 25, the only independent claim under rejection.

Aikin describes a valve leakage inspection, testing and maintenance process which uses a high pressure fluid, such as water, injected into the stuffing box 24 of the valve 10 through a nipple 40 to apply a hydraulic force to the packing 26 inside the valve (see Figs. 1 and 2 and column 4, lines 10 et seq.). The high pressure water is used to check the integrity of the back seat surfaces 34, 36 by observing the pressure decay rate of the injected water (see column 4, lines 65 et seq.). The same injected water can be used to lift the entire packing set (see column 5, lines 4 et seq.). Thus in Aikin the pressure measurement is that of the water injected into the stuffing box 24 (the control volume identified by the examiner is the stuffing box 24) that leaks out of the stuffing box and not of the working medium controlled by the valve that leaks into in a control volume between a first valve-rod seal

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and a second valve-rod seal from outside the control volume through one of the first and the second valve-rod seals as is

taught and claimed by applicant in amended independent claim 25. Therefore, applicant hereby requests reconsideration of the rejection of amended claim 25 under 35 U.S.C. 102(b).

Claims 4 and 6 each depend either directly or indirectly on claim 25. For the reasons given above applicant submits that the rejection of claims 4 and 6 under 35 U.S.C. 102(b) as anticipated by Aikin no longer pertains and requests reconsideration of that rejection.

The examiner said that claims 5, 7-8 would be allowable if rewritten in independent form and included all of the limitations of the base claim and any intervening claim. Claims 5, 7-8 each depend on a claim that depends either directly or through one or more intermediate claims on amended independent claim 25.

Thus, applicant requests reconsideration of the rejection of claims 4, 6 and 25 as anticipated as described above and requests reconsideration of the application in accordance with Rules 111 and 112.

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Following Page*****

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Respectfully submitted,

Date:

12/29/03



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Respectfully, Debra A. Rietze

Date: December 29, 2003